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January 16, 2020

Hon. Marian W. Payson  
United States Magistrate Judge  
100 State Street  
Rochester, New York 14614

Re: USA v. Nary, et al (6:19-mj-04169-MWP)

Dear Judge Payson,

Thomas Nary is currently scheduled for a status conference on January 17, 2020. At this time, we have received a significant volume of discovery, and the Government has indicated additional disclosure is forthcoming, including discovery that will require furnishing a 10-terabyte external hard drive to provide enough electronic storage to hold the digital material.

The Government and the defense have had several discussions related to various components of the case, including protective orders regarding the discovery and communication regarding property that was seized from Mr. Nary.

During the course of those discussions, the parties agreed that additional time would be needed to review the forthcoming discovery, and the Government has indicated that it does not object to a request for an adjournment of the status conference currently scheduled for January 17, 2020. A preliminary hearing is not being requested at this time.

I would request approximately 45 days to accommodate efforts to review the voluminous discovery already provided and the additional discovery that is forthcoming as well as further discussions between the defense and the Government relevant to the current procedural posture of the case.

The two co-defendants have already requested an adjournment by letter (Docket # 18, 20). Both adjournments were granted by the Court (Docket # 19, 21). The Government did not object to those requests either.

I would further move to exclude any time that could accrue pursuant to the Speedy Trial Act between today's date and any adjourn date set by the Court.

Thank you for your attention and consideration in this matter.

/s/ Mark A. Foti  
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